IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.MC.No. 112 of 2007()

AGAINST THE ORDER DATED 16/12/2006 IN CRMP.5908/06 IN CRA.1001/2006 of SESSIONS COURT, ERNAKULAM

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PETITIONER:

JESSY MATHEW, AGED 45 YEARS,
W/O. JEEMON,
JUNIOR HEALTH INSPECTOR,
CORPORATION OF KOCHI,
KOCHI, RESIDING AT
CORPORATION FAMILY QUARTERS,
RAVIPURAM.

BY ADV. SRI.S.K.MURALEEDHARA KAIMAL

RESPONDENTS:

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1. MRS. EBBY GIRL MATHEW,
NOCHIPARAMBIL HOUSE,
DOOR NO.35/1313,
PUKALAKAT ROAD,
PALARIVATTOM,
ERNAKULAM.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. THOMAS JOHN.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 112 OF 2007

Dated this the 12th day of January, 2007

ORDER

The petitioner has been found guilty, convicted and sentenced in a prosecution under Sec.138 of the N.I. Act. He preferred an appeal. The learned Sessions Judge admitted the appeal; but suspended the sentence subject to conditions, inter alia, that the petitioner must deposit an amount of Rs.1,00,000/- within a period of one month. The petitioner claims to be aggrieved by the impugned order. He has come to this Court with a prayer to invoke the powers under Sec.482 of the Cr.P.C.

2. The jurisdictional competence of the learned Sessions Judge to direct deposit of part of the amount is not disputed. Nothing is placed before me to sail to the conclusion that the discretion has been exercised in an unjust or perverse manner. The only submission of the learned counsel for the petitioner is that the condition is onerous and insistence on the condition would result in the petitioner being denied of an opportunity to conduct the appeal without going into custody.

In these circumstances, it is prayed that the condition may be set aside.

3. I am satisfied, considering all the relevant inputs, that the petitioner can be granted time till 12/3/2007 to deposit the amount of Rs.50,000/-. If the petitioner is unable to raise the amount, she may, within 15 days from this date, make an application to the learned Sessions Judge for expeditious disposal of the appeal. If such application is received, the learned Sessions Judge must proceed to dispose of the appeal as expeditiously as possible – at any rate, prior to 12/3/2007.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge